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Attorney for Plaintiff
GHARIB GAHRIBJANIANS

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

GHARIB GHARIBJANIANS,

Plaintiff,

v.

FOUR SEASONS RESORT MAUI AT
WAILEA; 3900 WA ASSOCIATES,
LLC,

Defendants.

CIVIL NO.:

COMPLAINT; SUMMONS

COMPLAINT

COMES NOW PLAINTIFF GHARIB GAHRIBJANIANS, by and
through his attorney, KEVIN S. CONLOGUE, LAW OFFICE OF KEVIN
S. CONLOGUE, and complains of the defendants above-named, and each
of them, and alleges and avers as follows:

1. Plaintiff GHARIB GAHRIBJANIANS (“Plaintiff”) is and was at all times material hereto a citizen and resident of the State of California;

2. Plaintiff is informed and believes that Defendant FOUR SEASONS RESORT MAUI AT WAILEA is a trade name registered by Defendant 3900 WA ASSOCIATES, LLC, a Delaware limited liability company, doing business and hotel operations with the State of Hawaii;

3. The basis of federal jurisdiction is 28 U.S.C. Sec. 1332(a)(1);

4. All events described herein occurred in the County of Maui, State of Hawai’i so that this Court is appropriate venue for, and has jurisdiction over, this proceeding and the parties herein;

5. At all times relevant herein, Defendants developed, owned, possessed, operated, maintained, and/or controled the private beach located at the Four Seasons Resort Maui, 3900 Wailea Alanui Drive, Kihei, Hawai’i (hereinafter “Subject Beach”);

6. On or about March 3, 2021, Plaintiff was lawfully walking at the Subject Beach where he suffered severe and disabling injuries from an unsecured umbrella at the Subject Beach taking flight in the wind and striking him in the head. Defendants owned, possessed, and/or were in control of the unsecured umbrella at all relevant times herein. Said accident was caused by Defendants’ negligence;

7. Prior to said accident, on or about March 3, 2021, the winds, tides, and current became more aggressive in which Defendants had knowledge of as Defendants changed the beach flags from yellow to red indicating the more aggressive winds, tides, and currents. However, with said knowledge, Defendants negligently took no action to secure the unsecured umbrella;

8. On or about March 3, 2021, Defendants failed to warn Plaintiff of the dangerous condition at the Subject Beach;

9. On or about March 3, 2021, Defendants negligently failed to exercise ordinary care in ensuring that the Subject Beach was reasonably safe for the public and were otherwise negligent in keeping the area safe to walk upon;

10. Defendants' negligence was an actual and proximate cause of the injuries sustained by Plaintiff;

11. As a direct and proximate result of Defendants' negligence, Plaintiff suffered serious injuries and suffered great pain of body and mind;

12. Damages sustained by the Plaintiff are in excess of the minimum jurisdictional requirements of this Court.

13. The negligence of Defendants was of such a gross, wanton and reckless nature as to warrant an award of punitive damages herein in an amount to be shown at time of trial.

WHEREFORE, Plaintiff hereby prays for judgment against Defendants, and each of them, as follows:

1. For general damages, including but not limited to, past and future pain and suffering and disfigurement, past and future severe emotional distress, and past and future diminished enjoyment of life, in amounts in excess of the jurisdictional minimum, according to proof;
2. For special damages, including but not limited to, past and future hospital, medical, professional, and incidental expenses and loss of ability to perform domestic services, in excess of the jurisdictional minimum, according to proof;
3. For prejudgment interest, according to proof;
4. For any recoverable costs of suit incurred herein, according to proof;
5. For punitive damages in such amounts as the jury deems just and proper; and,
6. For pre-judgment and post-judgment interest, attorney's fees and costs as to Plaintiff; and,
7. For such other and further relief as this Court deems just and proper.

DATED: Honolulu, Hawaii, April 10, 2022

THE LAW OFFICE OF KEVIN S. CONLOGUE

s/Kevin S. Conlogue
KEVIN S. CONLOGUE

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury in this action.

DATED: Honolulu, Hawaii, April 10, 2022

THE LAW OFFICE OF KEVIN S. CONLOGUE

s/Kevin S. Conlogue
KEVIN S. CONLOGUE